

Exhibit D



Office of the General Counsel
Washington DC 20420

In Reply Refer To: ILG/024T
OGC Case #: 96990
FOIA #18-03259-F

April 26, 2018

Mr. David Rankin
Bedlock, Levin & Hoffman LLP
99 Park Avenue, PH/26th Flor
New York, NY 10016-1601

Dear Mr. Rankin:

This letter is in response to your April 6, 2018, appeal under the Freedom of Information Act (FOIA), 5 U.S.C. § 552.

- On September 20, 2017, you requested a full copy of the BIRLS Death File from the Department of Veterans Affairs Veterans Benefits Administration (VBA).
- On January 9, 2018, VBA denied your request under FOIA Exemption b6.
- On April 6, 2018, you appealed to our office stating that the BIRLS Death File 1850 to 2010 was already publically available on Ancestry.com, but that you were requesting a copy of the entire file including the years subsequent to 2010.
- After receipt of your appeal, we contacted the VBA FOIA Office and discovered that they were unclear on which office or entity within VA was the custodian of that record.

We have determined that the custodian of record for the BIRLS Death File is the Veterans Health Administration (VHA) and not VBA. Accordingly, we are referring your FOIA Request/Appeal to the VHA FOIA Office (10P2C1), 810 Vermont Avenue, Washington DC 20420 for a response. We are asking VHA to provide you with a decision as soon as possible. You can contact VHA FOIA directly at the address above or via email: VHAfoia2@va.gov

Once the VHA provides you with a decision in response to your request correspondence, if you disagree with their response, you may appeal to this office.

Sincerely,

A handwritten signature in black ink, reading "Kenyatta McLeod-Poole". The signature is written in a cursive, flowing style.

Kenyatta McLeod-Poole
Acting Chief Counsel, Information Law Group

cc: Michael Sarich, VHA FOIA Director (10P2C1)